**Canberra Health Services**

**Policy**

**Underperformance**

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| Policy Statement |

Canberra Health Services (CHS) is committed to ensuring that all instances of underperformance are managed in accordance with the provisions of the relevant Enterprise Agreements and the Public Sector Management Standards.

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| Purpose |

The aim of the Underperformance Policy is to ensure appropriate management of underperformance through:

* Provision of advice and support to an employee whose performance is below the standard required
* Establishment of a fair, prompt and transparent framework for action to be taken where an employee continues to perform below the expected standard
* Delivery of a process that gives due regard to procedural fairness, natural justice, confidentiality and privacy.

This will help create an environment of clarity on work stadards and its management, resulting in high work standards in CHS and ensure a high level of public confidence in CHS and the ACT Public Service as a whole.

Procedures to be followed to meet the objectives of this policy are detailed in the [ACT Public Sector Enterprise Agreements 2018-2021](https://healthhub.act.gov.au/employment-resources/workforce-relations/enterprise-agreements), together with the [Public Sector Management Standards 2016](http://www.legislation.act.gov.au/di/2016-251/current/pdf/2016-251.pdf).

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| Scope |

This policy applies to all CHS employees covered by ACT Public Sector Enterprise Agreements, apart from casual employees.

Casual employees are engaged on a daily basis and therefore different rules relating to workplace performance apply to them. People & Culture (P&C) issues an [Underperformance Factsheet](https://healthhub.act.gov.au/sites/default/files/2018-11/20181128_Fact%20Sheet%20-%20Underperformance%201.1bf.pdf) which clarifies that managers should contact P&C for advice about managing casual employees’ performance.

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| Roles & Responsibilities |

All staff should familiarise themselves with the relevant provisions of the Enterprise Agreement that relate to their employment and workplace.

Where feedback on underperformance, advice and support has been provided to an employee, but the employee continues to perform below the expected standard, the following roles and responsibilities apply.

The employee should:

* Work with their manager to develop an agreed Action Plan
* Ensure their performance is of an acceptable standard as agreed in the Action Plan
* Follow all reasonable directions issued during the course of the underperformance process.

The manager is responsible for managing the underperformance process in a way that is consistent with the provisions of the relevant Enterprise Agreement, including:

* Properly documenting all stages of the process
* Raising concerns with the employee about underperformance at the time they arise
* Clearly outlining the issues, listening to the feedback of the employee and developing an improvement plan together that includes timelines and outcomes
* Informing the employee that the matter may be escalated if their performance does not improve in the agreed timeframe
* Informing the employee in writing of an ongoing assessment and the reasons for it when the manager assesses that an employee’s work performance continues to be below expected standards
* Working with the employee to develop an agreed Action Plan
* Monitoring the employee’s performance, as agreed in the Action Plan
* Reviewing that performance with the employee
* Ensuring that the employee is aware that they may have a support person or representative present at meetings related to the underperformance process
* Ensuring the employee has the opportunity to respond to any issues
* Properly documenting all stages of the process
* Informing the employee in writing if at the end of the process their performance is assessed as satisfactory or unsatisfactory and if the latter, preparing a report to the Chief Executive Officer (CEO) or their delegate

The CEO or their delegate is responsible for:

* Advising the employee in writing of a negative assessment by the manager, the reasons and the proposed actions, and inviting the employee to respond within a specified period
* Deciding on the underperformance action to be taken, as set out in the Enterprise Agreement
* Informing the employee in writing of this decision and the appeal mechanisms available to the employee
* The CEO may refer the matter to the Australian Health Practitioner Regulatory Authority (AHPRA) if the employee is covered by the *Health Practitioner Regulation National Law (ACT) Act* 2010.

People & Culture (P&C) is responsible for:

* Advising managers of the management of the policy
* Advising employees of the details of the policy as it relates to them
* Maintaining records of formally reported underperformance
* Assisting and providing advice to managers on any reported matter in accordance with the relevant Enterprise Agreement.

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| Evaluation  |

**Outcome Measures**

* Instances of underperformance are managed appropriately and efficiently.

**Method**

* P&C records all formally-reported cases of underperformance by employees and provide reports to the Deputy CEO, Chief Operating Officer as requested.
* Participants (employees/managers) are given the opportunity to evaluate the underperformance management process in a debriefing session.

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| Related Policies, Procedures, Guidelines and Legislation |

**Policies**

* Incident Management Policy
* Reviewing the Clinical Competence of a Doctor or Dentist following a Complaint or Concern
* Clinical Supervision

**Procedures**

* Incident Management Procedure
* Transition to Practice Program (TTPP) for Enrolled Nurses and Registered Nurses

**Standards**

* CHS P&C Delegations Manual
* Public Sector Management Standards 2016

**Legislation**

* *Public Sector Management Act* 1994
* *Health Practitioner Regulation National Law (ACT) Act* 2010
* All ACT Public Sector Enterprise Agreements, 2018-2021

**P&C Factsheets**

* Internal Review
* Appeal Mechanism
* Underperformance

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| Definition of Terms |

**Action Plan** in the context of this policy means a plan which is developed jointly by the employee who is being performance-managed and their manager, and is designed to:

* identify the expected standards of work required of the employee on an on-going basis
* identify and/or develop any learning and development strategies that the employee should undertake
* outline the potential underperformance actions that may be taken if the employee does not meet the expected standards
* specify the Action Plan period, which should not normally be less than one month and should not exceed six months, to allow the employee sufficient opportunity to achieve the expected standards
* specify the assessment criteria to be measured within the Action Plan period.

People and Culture can provide managers with a template of the Action Plan on request.

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| Search Terms |

Underperformance; under-performance; performance plan*.*

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*Policy Team ONLY to complete the following:*

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| *Date Amended* | *Section Amended* | *Divisional Approval* | *Final Approval*  |
| *26/01/2020* | *Complete Review* | *Janine Hammat, ED People and Culture* | *CHS Policy Committee* |
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*This document supersedes the following:*

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| *Document Number* | *Document Name* |
| *DGD16-025* | *Underperformance Policy* |
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